IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

MONDAY, THE 12TH NOVEMBER 2007 / 21ST KARTHIKA 1929

WP(C).No. 32216 of 2007(I)

PETITIONER:

K.S.SARALADEVI,
SENIOR SUPERINTENDENT(RETD),
REGIONAL TRANSPORT OFFICE, KOLLAM, RESIDING AT
VELLIKKATTU HOUSE, MOTTAKKAL THEVALLAKARA,
KOLLAM-690 524.

BY ADV. SRI.K.RAMAKUMAR

RESPONDENTS:
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1. **STATE OF KERALA REP.BY THE SECRETARY**
   TO GOVERNMENT, TRANSPORT(C) DEPARTMENT,
   GOVERNMENT OF KERALA, THIRUVANANTHAPURAM.

2. **THE TRANSPORT COMMISSIONER,**
   HEAD OFFICE, MOTOR VEHICLES DEPARTMENT,
   TRANSPORT BHAVAN, THIRUVANANTHAPURAM.

3. **THE REGIONAL TRANSPORT OFFICER,**
   ALAPPUZHA.

BY GOVERNMENT PLEADER SRI.BEJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V. GIRI ,J.

WP(C).NO.32216 of 2007

Dated this the 12th day of November, 2007

JUDGMENT

Petitioner, who retired from service, had raised a claim for promotion to the cadre of Joint Regional Transport Officer. It was accepted in part as per Ext.P3 order by which the petitioner is given notional promotion with effect from 9.11.2006 subject to the condition that she will not be eligible for any arrears. Petitioner sought for review of that portion by Ext.P4 which was rejected in Ext.P5. Petitioner sought for information of the vacancy position during the period from 1.4.2006 to 31.10.2006. In Ext.P6, it is stated that there were four vacancies of Joint Regional Transport Officer during the period from 1.4.2006 to 31.10.2006. Grant of monitory benefits with reference to a prior date will depend upon whether there were actually vacancies in the concerned posts, but these posts were filled up by some other persons in relation to whom the petitioner may have a better claim. In the circumstances, petitioner's claim for arrears will be re-considered with reference to the vacancy position of Joint Regional Transport Officer as is existed during the period from 1.4.2006 to 31.10.2006. Petitioner shall file a representation, indicating these

aspects before the first respondent, within a period of month from the date of receipt of a copy of this judgment. On the basis of the vacancy position, it should be considered whether the petitioner could have been promoted to the post of Joint Regional Transport Officer in any one of the vacancies which existed during the said period (provided it was available). If it is found that the petitioner had been illegally denied promotion, then the petitioner would be entitled to monetary benefits depending upon the date on which she is given notional promotion. First respondent shall pass orders in accordance with law within a period of four months thereafter, after hearing the petitioner.

V. GIRI, JUDGE

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